

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant and Inventor	Ho Keung, TSE.
Title	Computer Apparatus/Software Access Right Management
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Examiner	Gilberto Barron Jr.
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By Fax

Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231.
Sir,

New Reasons for overcoming Haas et al.

In the Examiner's advisory action dated Sept 30, 2002, the Examiner admits that "Haas et al. qualifies as prior art under 102(e)" and does not oppose to my statement "only the patented invention should be included into prior art, excluding the description" as submitted in my argument "Argument for overcoming Haas et al.", first paragraph. Accordingly, I understand this as the Examiner's intimation of correctness of my statement.

Should the Examiner disagree, the Examiner is respectfully requested to indicate clearly in the next office communication.

As submitted in the previous argument, "Even though it is readable on the description, column 5, lines 47-54, Haas et al. teach a deterrent as causing by a software, a rightful user's credit card number to be displayed, to discourage a rightful user from sharing the software which being for decrypting a commercial software product, to other people. **This is not readable on the claims.**" For reasons as mentioned above, it should not be included into prior art to reject the present claims

Further, in Haas et al.'s dependent claims 14, 16, there do describe a method of "obtaining a credit card number from a predetermined user" and "causing the credit card number to be communicated to the predetermined user during a step of decrypting, so as to discourage the predetermined user from sharing an encryption key with another user".

It is respectfully submitted that, the phrase "so as to discourage the predetermined

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predetermined user from sharing an encryption key with another user" is a "non distinguishing recitation", and does not define any structure. And therefore, the 2 claims merely define a structure for 2 steps of "obtaining a credit card number from a predetermined user" and "causing the credit card number to be communicated to the predetermined user during a step of decrypting".

New Reasons : Haas et al. is directed to selling information via internet, refer to column 5, line 57,58, "(2) a list of Internet Packet addresses ...". And, the 2 steps of dependent claims 14, 16 can only be understood as taking place during a same internet computer online communication session, as only this can assure that a credit card number obtained from a predetermined user can be communicated to that user. Throughout Haas et al. document, it only mentions "obtaining user credit card information" once at column 3, lines 55-58 that "In the initial set-up phase, the user i transmits ...his credit card number(for billing purposes)", therefore even though the description may be construed broader, the dependent claims 14, 16 can only be understood as referring to the initial set-up phase and other events as mentioned in the following parts of the description happening to just that user in real time closely thereafter. Further, even to be construed to the greatest extent, the step of "causing the credit card number to be communicated..." can only be understood as making reference to just part of the capability of the interface routine, as readable at column 5, lines 48-54, through which the credit card number can be communicated to the predetermined user, in the internet online session. The present claim 10 is closest to Haas et als' dependent claims 14, 16 structure but the requirement of present claim 10, "information specific to rightful user(s) of said software desired to be protected, exists in said authorising program as a part thereof", can still not be met thereby as this requirement implicitly requiring permanent storage by the authorising program of "information" which equivalent to Haal et als' "credit card number". Note that permanent storage "credit card number" by Haas et als' dependent claims 14, 16 structure is not necessary.

It is still further respectfully submitted that, by a reasonable judgement, one with ordinary skill in the art would not believe that Haas et al's structure which communicates the credit card information back to a user who provide the same, as defined by dependent claims 14, 16 can really discourage the predetermined user from

sharing an encryption key with another user.

New Reasons : Such a structure is well known, "requiring entry of credit card information from a user" and "displaying the received credit card information to that user" is a standard function for enabling the user to be aware of any entry errors. It would not be possible for one with ordinary skill in the art to modify it for software protection, as taught by the invention as defined by the present claims.

On the other hand, the present invention as defined by the independent claims (except claim 21 which control access to a processing apparatus) require existence of "identity system/information/software/program capable of being used in enabling electronic commerce operation(s)" as a precondition for providing user access to software desired to be protected, without causing a such operation being performed. It can undoubtedly discourage a rightful user from sharing his software to an unauthorised user.


In the 2 Wiedemer Patents, they merely disclosed a security module 16 is being used for billing operation. And, as the Examiner has admitted in the Final Office action, P.6, section 13, and P.7 section 14, both second paragraph, in his arguments in support of 103 rejection of claims 1, 2, 4, 14, 15 and 17-22 and another 103 rejection of claims 12, 13, 16 respectively, "The Wiedemer/second Wiedemer patent does not disclose the step of not causing ..electronic commerce operation to be performed", while providing software protection; and as submitted above, this deficiency cannot be supplied by Haas et al.

It is further respectfully submitted that, it is an innovative feature of the present invention as defined by independent claim 21 that validity of a user account should be checked, without causing payment be made for access to paid protected software or a processing apparatus respectively, before providing user the access. Throughout Haas et al and Wiedemer, whole document, there is no disclosure or suggestion that "validity of a user account should be checked, without causing payment be made for providing the user access to a processing apparatus", as required by claim 21. In Haas et al. at column 3 lines 55-60, "the user i transmits ...his credit card number (for billing purposes)", it is clear that the credit number which is for billing purposes cannot meet this requirement of claim 21.

Accordingly, the Examiner is respectfully requested to withdraw the two 35 USC 103 (a) rejections of all the independent claims, relying on Haas et al and the 2 Wiedemer patents.

Respectfully submitted,

Ho Keung, Tse.



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